

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

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)
IN THE MATTER OF THE WINDING DOWN OF:)

THE NEW HAMPSHIRE MEDICAL MALPRACTICE)
JOINT UNDERWRITING ASSOCIATION)
_____))

No. 217-2015-CV-00347

[PROPOSED]

**ORDER APPROVING RETURN OF STABILIZATION RESERVE
FUND EXCESS TO HEALTH CARE PROVIDERS**

On consideration of the motion of Roger A. Sevigny, Insurance Commissioner for the State of New Hampshire, as Receiver (“Receiver”) of the New Hampshire Medical Malpractice Joint Underwriting Association (“NHMMJUA”), for an order approving return of the approximately \$3.2 million amount remaining in the Stabilization Reserve Fund (“SRF”) of the NHMMJUA to the health care providers who paid surcharges to fund the SRF, and the supporting affidavit of Peter A. Bengelsdorf, Special Deputy Commissioner, it is hereby found and ORDERED as follows:

1. The Receiver’s proposal to return the remaining SRF funds to the health care providers who paid SRF surcharges allocated based on the proportion that each provider’s SRF surcharge payments bears to the \$20,563,393 total of identifiable SRF surcharge payments is fair and equitable and consistent with and authorized by the regulations governing the SRF and under which the SRF surcharges were collected, including Ins 1703.08 (2009), Ins 1702.071 (1993), and In 1702.071 (1986), and the statutes governing the receivership, including RSA 404-C:15, I.

2. The Receiver's Motion for Approval of Return of Stabilization Reserve Fund Excess to Health Care Providers is granted, and the return of SRF funds as set forth in the motion is approved.

3. Within 60 days following receipt of this Order, the Receiver shall mail by first class mail letters in the form attached as Exhibit E to the motion to the health care providers on the SRF Return Provider List at the addresses available from the NHMMJUA's records requesting confirmation of a current address for the mailing of a check.

4. Within 60 days following receipt of this Order, the Receiver shall post on the website of the New Hampshire Insurance Department (a) the list of the names and towns of the provider SRF return recipients (the "SRF Return Provider List"); (b) notice in the form attached as Exhibit F to the motion stating that the SRF Return Provider List is available on the website and requesting that providers check the list and confirm their addresses; and (c) the form of address confirmation attached as Exhibit G to the motion to be used to confirm the recipients' current addresses.

5. Within 60 days following receipt of this Order, the Receiver shall publish the notice attached as Exhibit F to the motion in two newspapers of general circulation in New Hampshire (the Concord Monitor and Union Leader) once a week for two successive weeks.

6. Address confirmations by health care providers shall be provided to the Receiver on the Health Care Provider Address Confirmation form from either the website or the letter by a convenient weekday set by the Receiver to be specified in the notice, the letter, and the form that is approximately 120 days after the date of this Order.

7. Within 180 days following receipt of this Order, the Receiver shall mail by first class mail a check for the provider's proportional return amount to each provider on the SRF Return Provider List who has provided the Receiver with a confirmation of address. Health care providers who have not provided address confirmation shall not be mailed a check. The Receiver shall calculate return amounts based on the amount in the SRF as of the month end preceding the 120th day after receipt of this Order.

8. One year from the date of this Order, the Receiver shall deliver any unclaimed funds that remain in the SRF (whether due to the provider's failure to provide address confirmation, failure to cash a check or otherwise), together with a list of the names and addresses of the providers who have not claimed funds and the return amount for each, to the Abandoned Property Division of the New Hampshire Treasury pursuant to RSA 471-C:9.

9. Upon delivery of the unclaimed SRF funds to the Abandoned Property Division, the Receiver (including the Special Deputy Commissioner and the Receiver's consultants, agents and attorneys) and the NHMMJUA (including its administrators, consultants, agents and attorneys) shall have no liability in respect of the SRF or the return of the SRF funds.

10. The Receiver shall report on the progress of the notice and SRF return process as part of the Receiver's monthly reports.

So Ordered.

Dated: _____

Presiding Justice